

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-26 are pending in the present application. No claims are amended by the present amendment, thus, no new matter is added.

In the outstanding Office Action, Claims 1-14 and 26 were rejected under 35 U.S.C. §103(a) as unpatentable over Kato et al. (U.S. Patent No. 6,301,663, herein Kato) in view of Katoh (U.S. Patent Pub. No. 2002/0073037) and in further view of Kaplan ("IBM Cryptolopes, Superdistribution and Digital Writes Management", hereinafter "Kaplan") and Tsukidate (U.S. Pat. Pub. No. 2004/0081426); Claims 15-25 were rejected under 35 U.S.C. §103(a) as unpatentable over Kaplan and Kato in view of Tsukidate.

Initially, Applicants wish to thank Examiner Dada for the July 22, 2008 personal interview, at which time the outstanding issues in this case were discussed. During the interview, Applicants presented arguments substantially as indicated in this Request for Reconsideration which the Examiner indicated he understood. Accordingly, the Examiner indicated that the outstanding rejection would be reconsidered on receipt of the present response.

Addressing now the rejection of Claims 1-14 and 26 under 35 U.S.C. § 103(a) over Kato, Katoh, Kaplan and Tsukidate, Applicants respectfully traverse this rejection.

Claim 1 recites, in part,

obtaining a unique recording medium ID corresponding to the recording medium from a predetermined region of the recording medium, the recording medium ID pre-recorded on the predetermined region of the recording medium;
generating independent write identification information for every recording operation performed on the digital data;
encrypting data identification information of the digital data and data control information by the use of the write identification information and encrypting the write

identification information by use of the recording medium ID;
and
recording at least the encrypted data identification
information and data control information to the recording
medium.

Although of differing class and/or scope, independent Claims 6 and 10 recite similar features with regard to encrypting data identification information of the digital data and data control information by the use of the write identification information and encrypting the write identification information by use of the recording medium ID.

Kato describes a system for preventing unauthorized copies of multimedia data. Further, Kato describes that Disc keys encrypted by master keys are recorded to a DVD.¹

Katoh describes a system of controlling copy generations of digital data. In addition, Katoh describes that PID data that is embedded in the encoded data which is then recorded to the DVD.

Kaplan describes fingerprinting or watermarking a document when it is created to identify the source of the document. Further, Kaplan describes that, when the user “buys” a document, a new fingerprint or watermark is added to the document as it is decrypted to identify the purchaser. At creation of the document is the only time that a fingerprint or watermark is added to a document in Kaplan.

However, none of the above noted Kato, Katoh or Kaplan references alone or combination describe or suggest **encrypting** data identification information of the digital data and data control information **by the use of the write identification information** and **encrypting** the write identification information **by use of the recording medium ID** which is pre-recorded on the predetermined region of the recording medium.

In other words, in the claimed invention, the data identification and the data control information are encrypted using the write identification information which is then encrypted

¹ Kato, col. 6, lines 20-24.

using the recording medium ID which is pre-recorded and obtained from the predetermined region of the recording medium.

In the outstanding Action, the Tsukidate reference is cited as curing the deficiencies of the combination of Kato, Katoh and Kaplan references.

Tsukidate describes a VCR recording system which enables digital multimedia to be recorded to the media.

The outstanding Action relies on Claim 14 on page 8 of Tsukidate as describing features of the claimed invention. However, as was discussed in the interview, Claim 14 is not found in 09/260,063 on which Tsukidate relies for the filing date of March 2, 1999. Nevertheless, it appears that Tsukidate relied on paragraph 0061 on page 4 in order to provide support for this claim. Paragraph 0061 of Tsukidate describes that, when recording data to the medium, the controller tests to see if the recorded data is the first data for the recording medium. If so, an ID is recorded on a predetermined location of the recording medium.

Thus, as was discussed in the interview, Tsukidate does not describe or suggest that the recording medium ID is pre-recorded on the predetermined region of the recording medium, as the ID described in Tsukidate is clearly recorded concurrently with the data.

Moreover, Claim 1 recites obtaining the unique recording medium ID corresponding to the recording medium from a predetermined region of the recording medium and using this medium ID to encrypt the write identification information. It is not clear how the ID of Tsukidate can be used to encrypt write identification information. Nothing in Tsukidate describes or suggests obtaining an ID from a predetermined region of the recording medium and then using this ID in an encryption process. The recited step of obtaining the unique recording medium ID corresponding to the recording medium from a predetermined region of the recording medium and subsequently using this obtained recording medium ID in the

encryption process is not described or suggested anywhere in the combination of Kato, Katoh, Kaplan and Tsikidate.

Accordingly, Applicants respectfully submit that Claims 1, 6 and 10, and claims depending therefrom, patentably distinguish over the combination of Kato, Katoh, Kaplan and Tsikidate.

Moreover, with regard to dependent Claim 26, Applicants respectfully submit that the features of this claim are not described or suggested in the combination of Kato, Katoh, Kaplan and Tsikidate. Specifically, Claim 26 recites that the predetermined region of the recording medium from which the recording medium ID is obtained is the table of contents (TOC) region of the recording medium. This feature is not described or suggested in any of the cited references including Tsikidate which was cited as describing the predetermined region recited in the claims. Thus, Applicants respectfully submit that Claim 26 also patentably distinguishes over the cited references.

Addressing now the rejection of Claims 15-25 under 35 U.S.C. § 103(a) over Kato, Kaplan and Tsukidate, Applicants respectfully traverse this rejection.

Claim 19 recites, in part,

means for reproducing encrypted data identification information of the digital data and data control information, which are encrypted by the use of independent write identification information created for every recording operation performed on the digital data, and the write identification information from the recording medium;

means for decrypting the encrypted data identification information and data control information by the use of the write identification information, and obtaining the data identification information and data control information from the reproduced data; and

means for decrypting the write identification information with a recording medium ID, which corresponds to and is unique to the recording medium, the recording medium ID obtained from a predetermined region of the recording medium, the recording medium ID pre-recorded on the predetermined region of the recording medium.

Claims 15 and 22 recite similar features with regard to decrypting the encrypted data identification information and data control information using the write identification information which is encrypted using a unique recording medium ID obtained from a predetermined region of the recording medium.

The outstanding Action states on pages 6-7 that Kato describes in Figure 2 decrypting the encrypted data identification information and data control information using the write identification information and decrypting the write identification information using the recording medium ID obtained from a predetermined region of the recording medium.

However, nothing in this portion or any portion of Kato describes or suggests decrypting encrypted data identification information and data control information using write identification information which is decrypted using the recording medium ID which is obtained from a predetermined region of the recording medium.

In addition, as is discussed above, the further cited Kaplan and Tsukidate references do not cure this deficiency of Kato with regard to the above noted features.

Accordingly, Applicants respectfully submit that Claims 15, 19 and 22, and claims depending therefrom, patentably distinguish over Kato, Kaplan and Tsukidate.

Consequently, in light of the above discussion it is respectfully submitted that Claims 1-26 patentably define over the asserted prior art. A Notice of Allowance is therefore earnestly solicited.

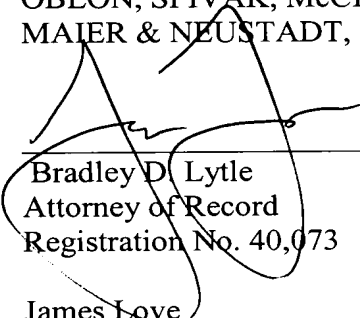
Respectfully submitted,

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